



Kansas Bureau of Investigation

Kirk D. Thompson
Director

Derek Schmidt
Attorney General

July 10, 2014

Dear KBI Laboratory Stakeholder,

In an effort to ensure that our customers receive the most efficient and effective services possible from the Kansas Bureau of Investigation (KBI) Forensic Science Laboratory, we have been evaluating current rules, processes, and workflows related to the examination of evidence submitted to the KBI Laboratory Biology Section. We are excited to tell you that we believe we have identified some things that may dramatically improve services and reduce backlogs. The intent is to provide your agency with lab reports more quickly, identify suspects earlier, and reduce time dedicated to at least some of your investigations.

In order to accomplish this, we are reviewing guidelines for the submission of evidence for DNA testing. These guidelines would include limiting the number of items that could, initially, be submitted for examination. This would allow the laboratory to focus resources on performing analyses and examinations on those items of evidence in each case that are most likely to provide the most useful information. Since you, as the investigating agency, most often know best which evidence in a given case should be prioritized for examination, the process will require your thoughtful consideration as to what items you submit for initial testing.

Additional items, if needed, can be submitted at a later time after those items that are deemed most likely to produce results have been examined. Clearly, some more serious cases will require more items to be examined. But even in those cases, making initial results available to your agency sooner will provide you with more efficient and effective service. We will continue to encourage laboratory stakeholders to contact the laboratory and, through consultation regarding the particular needs involved with the case, request additional work if needed.

Attached you will find the new guidelines which will go into effect August 1, 2014. Evidence currently in the possession of the laboratory will be processed as requested, or the submitting officer may be contacted to determine how best to proceed.

This information is being provided to all agency heads by email or mail. The information is also posted on the KBI website. Please distribute this information to others in your agency. If you have any questions please contact Mike Van Stratton, Laboratory Director, at (785) 296-8300 or Lisa Burdett, Great Bend Laboratory at (620) 792-4353.

We appreciate your help as we implement these changes. We are confident that we are on a track to reduce the biology/DNA backlog at the KBI laboratory.

Sincerely,
Michael J. Van Stratton, Lab Director

**KANSAS BUREAU OF INVESTIGATION
FORENSIC SCIENCE LABORATORY
August 1, 2014**

SUBMISSION GUIDELINES FOR BIOLOGICAL EVIDENCE

To aid in improving turnaround times and reducing backlogs, the KBI Forensic Science Laboratory has implemented new submission guidelines for biological evidence.

The KBI recognizes that each criminal case is distinctive. These submission guidelines address typical situations which will be encountered by your agency, but cannot speak to all of the unique circumstances that are often exclusive to a particular case. For assistance, clarification or to discuss the specifics of your case please contact the regional laboratory that services your area.

KBI Great Bend Laboratory 620-792-4353
KBI Kansas City Laboratory 913-288-0080
KBI Topeka Laboratory 785-296-8200

An additional DNA submission form should be filled out and submitted with the evidence custody receipt.

GENERAL SUBMISSION GUIDE

This information is a brief summary of the submission guidelines. Additional information is located in the sections following.

- A pre-submission of evidence conference with the laboratory is strongly encouraged to assure acceptance and completeness of your evidence submission.
- When the sexual assault is an issue of consent and not identity, please consider not submitting for DNA analysis unless it is needed.
- A case synopsis must be provided with the submitted evidence. Case officer contact information is also required. See Case Synopsis below.
- The number of evidence items accepted by the laboratory will be limited depending on the nature and/or type of the case submitted. See the sections on Item Selection, including Initial Submissions and Subsequent Submissions, below.
- Appropriate known reference standards must be available and submitted. See Reference Standards below.
- The Laboratory will not accept the following touch evidence: spent cartridge cases, live cartridge cases, drug baggies, and property crimes. See Touch Evidence Guidelines.
- Typically, DNA testing will be considered complete when associations have been made in the case. This means that not all items submitted to the Biology Section will necessarily have DNA testing performed on them.

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GENERAL SUBMISSION GUIDE CONTINUED

- Simple misdemeanor cases need approval for Biology examinations.
- The submitting agency or prosecuting attorney's office should notify the KBI Laboratory if and when they become aware that a case has been disposed and no longer needs to be worked by our laboratory.
- The number of evidence items accepted by the laboratory will be limited depending on the nature and/or type of the case submitted. Additional items may be accepted at the time of the initial submission after consultation between the investigator, the DNA scientist and the Biology Supervisor, the Lab Director, the assistant Lab Directors, or the DNA Technical Leader. Consultation can be in person or via conference call. The prosecutor may also be involved at this time depending upon the case.
- Assistance can be provided on identifying the most probative items for submission. See the section on Item Selection below.

CASE SYNOPSIS

Each biology case is required to have a case synopsis at the time of submission to the laboratory. The case synopsis should provide the necessary background information about the case, and connection of any DNA profile(s) obtained from the analysis to the crime. This information is required before any DNA profile obtained from crime scene evidence may be submitted to CODIS (Combined DNA Index System).

CODIS is a database used to provide investigative leads based on DNA profiles developed from crime scenes across the country. There are strict state and federal guidelines regarding CODIS eligibility. The case synopsis will provide necessary documentation regarding CODIS eligibility.

- DNA profiles obtained from evidence not directly related to the crime scene *may not* be eligible.
- DNA profiles that are ambiguous regarding possible contributors (i.e. highly partial profiles, complex mixtures) are not eligible.
- Submission of known reference standards (suspect, victim, elimination) may be required to determine CODIS eligibility.
- Contact the KBI Laboratory for questions regarding CODIS eligibility.

ITEM SELECTION

Evidence which is submitted to the laboratory should be selected based on the probative (relevant) value of the item to the case. It is of great benefit to contact the laboratory to discuss pre-submission of evidence from homicide cases or complex cases with multiple pieces of evidence. Because of the complexities of homicide cases, the KBI laboratory must fully understand the details associated with the case in order to provide the best possible service to our

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customers. This will ensure that everyone is properly briefed with the details, timelines and an agreement is reached regarding the most probative evidence.

- *Probative evidence*-Relevant and significant evidence items collected in a criminal case which can directly establish a connection between the victim and any suspect(s), place a suspect(s) at a crime scene and support or refute statements.
- The most common probative evidence items are recovered weapons, clothing of the victim, samples collected during a sexual assault exam, clothing of the suspect, and/or items in the suspect's possession which may have the victim's biological material present and items left behind at a crime scene which could reasonably have the suspect's biological material present.

INITIAL SUBMISSIONS (consultation not required)

The following number of items will be accepted without consultation.

- A. Homicide/Attempted homicide/Aggravated Battery (typically one suspect and one victim)
 - a. Up to 10 probative items
 - b. Appropriate known reference standards
- B. Sexual Crimes (typically one suspect and one victim)
 - a. Sexual Assault Evidence Collection Kit and victim's clothing
 - b. One additional probative item
 - c. Appropriate known reference standards
 - OR
 - d. If there is not a Sexual Assault Evidence Collection Kit
 - i. Victim's clothing and two probative items
 - ii. Appropriate known reference standards
 - e. Bedding on Sexual Assaults – Typically bedding does not yield probative DNA profiles. If bedding is needed, a complete “sexual” history of the bedding and approximate location of the incident along with consultation with the scientist will be required.
- C. All Other Crimes Against Persons (typically one suspect and one victim)
 - a. Up to three probative items
 - b. Appropriate known reference standards
- D. Property Crimes (typically one residence/business)
 - a. Up to two probative items
 - b. Appropriate known reference standards
- E. If, prior to all the items initially submitted being tested, probative information has been obtained, then some of the initial items submitted will not be tested. Should the case

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situation change and the items not tested need to be examined, the investigator may call the scientist directly and request that testing.

- F. Appropriate known reference standards should be submitted with the evidence, if available. By delaying the submission of available known reference standards, this may result in a significant delay in testing. Known reference standards can be two (2) oral swabs or a purple top blood tube.
- G. If probative information is obtained from the initial submissions, no further submission will be accepted without approval of the Biology Section Supervisor and or the DNA Technical Leader. After completing initial testing, if additional analysis is indicated, the case scientist will consult with the biology Section Supervisor and/or the DNA Technical Leader to evaluate the case status. The investigator will be contacted thereafter to discuss a possible second submission.

SECOND SUBMISSIONS (Consultation is required)

- A. Homicide, etc.
Generally, an additional 10 probative items
- B. Sexual crimes
Generally, an additional 3 probative items
- C. All Other Crimes Against Persons
Generally, an additional 3 probative items
- D. Property Crimes
Generally, an additional 2 probative items

If no probative information is obtained from the first or second submissions, a conference including the scientist, investigator, prosecutor, DNA section supervisor and /or DNA technical leader will be necessary before any further submissions are allowed.

REFERENCE STANDARDS (Known samples)

- A reference standard is a “known sample” collected from a specific individual, typically the victim or suspect. Names and other information provided needs to be accurate and precise (i.e. spelling, date of birth).
- A reference standard (known sample) can be a liquid blood sample collected in a purple top tube or oral (buccal) swabs.
- Reference standards from known suspects must be submitted if available. The name of the individual must be on the outer packaging and on the submission form.
- An elimination standard is a reference standard from an individual who is not related to the crime but has access to the crime scene (i.e. consensual sexual partners, car/home owners). Elimination standards are typically used to determine the CODIS entry eligibility of a DNA profile.

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- Convicted offender/arrestee standards submitted for CODIS entry have no chain of custody; therefore, these standards cannot be used in casework comparison. Separate reference standards from suspects and/or victims must be submitted for direct comparison to evidence profiles.

TOUCH EVIDENCE

- Touch evidence is defined as evidence which has no visible staining and would contain DNA that only results from touching an item with the skin.
- Touch evidence is NOT cigarette butts, swabs from cans, bottles, straws or other items in which the substance being tested is most likely saliva.
- Touch evidence does NOT include items submitted for wearer such as shirts, coats, hats, etc. where there is a probability of prolonged contact.
- Touch evidence may be accepted for possible STR DNA analysis when there is a high degree of likelihood that the evidence submitted will provide probative results or investigative leads. A high degree of likelihood may be established by means of witness corroboration, visual monitoring systems or sound deductive reasoning.
- Touch evidence collected from public places will NOT be accepted e.g. swabs from door handles, counter tops, etc.
- The Laboratory will not accept the following touch evidence:
 - Spent cartridge cases (Spent shotgun shells will continue to be accepted)
 - Live cartridge cases
 - Drug baggies
 - Property Crimes to include burglary, larcenies, and stolen vehicles
- Elimination DNA standards should be submitted with touch evidence where appropriate

WEAPON OFFENSES

- Touch evidence from guns recovered in “felon in possession” cases require a known reference standard from the suspect(s) to be included at the initial evidence submission. DNA profiles obtained from felon in possession cases cannot be entered into CODIS making it necessary for the laboratory to have the reference standards before laboratory analysis can be conducted.

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